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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,344	03/15/2004	Alexander Maass	10191/3539	2090

26646 7590 03/07/2007  
KENYON & KENYON LLP  
ONE BROADWAY  
NEW YORK, NY 10004

EXAMINER
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NGUYEN, TAN QUANG

ART UNIT	PAPER NUMBER
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3661

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/801,344

**Applicant(s)**

MAASS ET AL.

**Examiner**

TAN Q. NGUYEN

**Art Unit**

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-12, 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 5-8 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/15/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAIL ACTION**

### ***Notice to Applicant(s)***

1. This application has been examined. Claims 1-15 are pending.
2. The prior art submitted on March 15, 2004 has been considered.
3. Receipt is acknowledged of papers submitted under 35 U.S.C. § 119, which have been placed of record in the file.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-4, 9-12, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh et al. (6,489,887).

7. With respect to claim 1, Satoh et al. disclose a method for a lateral guidance of a vehicle which includes a lane detection device (see figure 1), a warning device for alerting a driver of the vehicle when straying from a traffic lane (see figure 1, item 6 and figure 10). Satoh et al. do not disclose means for turning off the warning device when driving on road that are not suitable for lateral guidance and turning the warning back on when roads are suitable for lateral guidance. However, Patchell suggests a vehicle traveling control system includes an alarm for alerting the driver of the travel changing lane, and also an on/off switch or interrogation mode for the driver with the convenience of turning off the alarm when a lane change is not contemplated, and an alarm indication would be unnecessary and annoying (see at least paragraph 0064). It would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the switching means as suggested by the Patchell reference into the system of Satoh et al. in order to turn on or off the alarm when needed, which is when the lateral guidance is needed, and such lateral guidance is needed depends on the driving roads.

8. With respect to claim 2, as suggested by the Patchell reference, the alarm can be turn off when a lane change is not being contemplated and would be unnecessary and annoying (see column 6, lines 4-9). It would have been obvious that the busy city roads where drivers intentionally make a lot of lane change are the one that might not need the lateral guidance, which will definitely annoying if the alarm is turn on.

9. With respect to claims 3 and 4, it is obvious that the lateral guidance is needed when the driver is on the highway/freeway in order to alerting the driver in the case of falling sleep (i.e. deviate from the traffic lane). Thus, when the speed is exceeded 60

km/h, which means the vehicle is on the highway/freeway, such warning device should have been turned on in order and the lateral guidance is active in order to provide the safety for the driver.

10. With respect to claims 9 and 10, it is obvious that the GPS system in the vehicle for detecting the position changes of the vehicle at the intervals are well known in the art at the time the invention was made.

11. With respect to claim 11, it is obvious that there is existed at least one of comfort and safety functions available in the vehicle system at the time the invention was made even when the warning device is turning off.

12. With respect to claim 12, it is obvious that the cruise system is well known in the art at the time the invention was made regardless the warning device is turn on or off.

13. With respect to claims 14 and 15, the limitations of these claims have been noted in the rejections above. They are therefore considered rejected as set forth above.

14. Claims 5-8 and 13 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

15. Claims 1-4, 9-12, 14 and 15 are rejected. Claims 5-8 and 13 are objected.

16. The following references are cited as being of general interest: Kinoshita et al. (6,057,754), Jindo et al. (2002/0087255), Massen (2003/0168271).

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tan Q. Nguyen, whose telephone number is (571) 272-6966. The examiner can normally be reached on Monday-Thursday from 5:30 AM-4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (571) 272-6956.

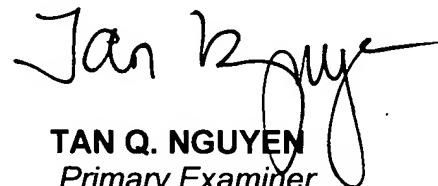
Any response to this action should be mailed to:

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Washington, D.C. 20231

or faxed to the Official Fax Center: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/tqn  
March 3, 2007

  
**TAN Q. NGUYEN**  
*Primary Examiner*  
Art Unit 3661